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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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10 MARQUISE DAVIS,

11 Petitioner,

12 v.

13 JOHNSON, Warden,

14 Respondent.
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Case No. CV 19-144-JLS (KK)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for a Writ of
18 Habeas Corpus, the records on file, and the Report and Recommendation of the
19 United States Magistrate Judge. No objections have been filed. The Court accepts
20 the findings and recommendation of the Magistrate Judge.

21 IT IS THEREFORE ORDERED that (1) Respondent's Motion to Dismiss is
22 GRANTED IN PART and DENIED IN PART; and (2) Claim One of the Petition is
23 dismissed without prejudice.

24 IT IS FURTHER ORDERED **within forty-five (45) days** of the date of this
25 Order, Respondent must file an Answer responding to Claims Two and Three of the
26 Petition. At the time the Answer is filed, Respondent shall lodge with the Court all
27 records bearing on the merits of Petitioner's claims, including the briefs specified in
28 Rule 5(d) of the Rules Governing Section 2254 Cases in the United States District

1 Courts. Petitioner may then file a Reply responding to matters raised in the Answer
2 within thirty (30) days of the date of service of the Answer.

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5 Dated: July 2, 2019

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HONORABLE JOSEPHINE L. STATON
United States District Judge